

**Minutes of the Regular Planning Board Meeting
Monday, October 8, 2007**

1. CONVENE: 7:10 p.m.
2. FLAG SALUTE: Board member Cunningham.
3. ROLL CALL: President Cook, Vice President Kohlstrand, Ezzy Ashcraft, Cunningham, Lynch, Mariani and McNamara.

Member Lynch was absent from roll call.

Also present were Planning and Building Director Cathy Woodbury, Assistant City Attorney Donna Mooney, Planner III Dennis Brighton, Obaid Khan, Public Works.

4. MINUTES:
 - a. Minutes for the meeting of September 24, 2007.

The minutes will be considered at the meeting of October 22, 2007.

5. AGENDA CHANGES AND DISCUSSION

President Cook understood that several people wished to speak about Item 8-A. She noted that item was proposed to be continued, and inquired whether the Board should hear the public comments at this time.

Member Cunningham believed it would be better to take comment after receiving and reviewing further information.

Member McNamara agreed with Board member Cunningham.

Member Ezzy Ashcraft suggested that public comments be taken at this time, and that the Board members may take notes and address the matter when it would be heard again.

Member McNamara believed the item had been noticed as being continued.

In response to an inquiry by Vice President Cook whether any speaker slips had been received, Ms. Woodbury replied that staff was still working with the applicant on their proposal, and that it was not yet ready to come to a hearing. She added that more information was required, and that it would be renoticed because it was not continued to a date certain. She noted that if the members of the public who had come to speak on Item 8-A would leave their contact information, staff would notify them of the hearing date.

President Cook noted that no speaker slips had been received for Item 8-A, but that the members of the public may speak during Oral Communications. She apologized for the miscommunication.

6. STAFF COMMUNICATIONS:

a. Future Agendas

Ms. Woodbury provided an update on future agenda items.

b. Zoning Administrator Report

Ms. Woodbury provided the Zoning Administrator report.

7. ORAL COMMUNICATION:

Council member Doug DeHaan noted that he spoke as a private citizen, and wished to address Alameda Landing and the issues and opportunities in developing that site. He noted that it was a unique site, and reviewed the background of that project. He expressed concern about the waterfront and the vistas, as well as the scale, size and massing of the development. He noted that it had been reduced from its former 600,000 square feet to 250,000 square feet. He expressed concern about the billboards placed on easel mounts and the massive walls in the form of art. He noted that this was a single-story building, and that the interior space of the retail was approximately 16 to 20 feet. He did not believe that building should be 65 feet tall, and noted that the Board had expressed concern about that height. He did not think that given the green building focus of the City, that the building should be that tall. He noted that the master tree review would be coming forward soon, and noted that the pear tree species was not desired and should not be accepted within the City.

Ms. Karen Miller noted that she was not pleased that the applicant for Item 8-A was not in attendance, while she and other members of the public attended to speak on the item. She noted that she lived across the street from the subject house, and noted that many trees and a pond had been removed from the property, purportedly because they were installing a pool. She noted that did not occur, and recently heard that they intended to subdivide the property. She noted that the owner lived in Los Angeles, and had bought the property as an investment; she did not believe he had the same concerns for Alameda as she and her neighbors did. She noted that he bought and sold another house across the street. She noted that this property was unique in Alameda, and she was disappointed that it has been sitting vacant. She noted that because the applicant had received a notice that the item was continued; she and her neighbors should have been notified as well.

Ms. Sara Chavez, SunCal Companies, noted that their first public meeting would be held October 24, 2007, 6:30 p.m. at the Mastick Senior Center. They planned to introduce the team and give an overview of the constraints at Alameda Point.

Member Ezzy Ashcraft noted that at the last Planning Board meeting, the meeting date had been October 23, and noted that there must have been a date change.

Ms. Chavez noted that it had always been scheduled for October 24.

8. CONSENT CALENDAR:

- 8-A **Parcel Map PM07-0003 – Applicant: Jack Cooley, 717 Paru Street.** The applicant is requesting a parcel map to divide a 92,053.03-square foot parcel into two parcels. One parcel with an existing single-family residence would be 17,051.13-square feet and the remaining parcel would be 75,001.9-square feet. The 75,001.9-square foot parcel would contain an existing cabana, with the majority of the parcel located within the lagoon. The site is located within an R-1, Single-Family Residential Zoning District (DB).

Member Cunningham moved to continue this item.

Vice President Kohlstrand seconded the motion, with the following voice vote – 6. Absent: 1 (Lynch). The motion passed.

9. REGULAR AGENDA ITEMS:

- 9-A. Approval of the format for a future public forum regarding the Housing Element and Measure A and dissolution of the Expanded Housing Element/Measure A Ad Hoc Committee

Ms. Woodbury presented the staff report, and provided a brief background of Measure A. She noted that in July, the *ad hoc* Housing Element/Measure A Workshop Committee agreed to disband before they reached an agreement on the workshop format, and before discussing potential speakers. The last meeting ended with direction to the appellant members and the Board members to provide their preferred workshop format to the Planning Board for consideration, along with one prepared by the City's consultant. She noted that she expanded upon the consultant's comments, which was included in the packet. Once the Planning Board's comments have been received, staff would work with the consultant on the administrative details, including the invitations to speakers, the venue, date, notices and documentation of the workshop. The Planning Board was asked to approve a format for the public forum, and to dissolve the *ad hoc* committee because its work has been completed.

President Cook noted that seven speaker slips had been received.

Member McNamara moved to limit the speakers' time to three minutes.

Member Cunningham seconded the motion, with the following voice vote – 6. Absent: 1 (Lynch). The motion passed.

The public hearing was opened.

Ms. Sally Fallhobber noted that she was speaking as an individual on this item. She believed it was time for the City to closely examine the effects of Measure A, as well as what has and has not been built. She had voted for Measure a in 1973, hoping it would fail by a narrow margin in favor of a better way to control growth and preserve the City's architecture and small-town atmosphere. She still supports those goals, and at that time, there were units that were more affordable to single-family homes. She cited Bayport, Marina Cove and Heritage Bay as not filling that niche, which she did not believe met the intent of the original supporters. She believed that after 34 years, the people of Alameda should revisit this issue based on current information. She hoped that a forum to address the issues would be made available.

Mr. John Knox-White was pleased that all six members of the *ad hoc* subcommittee supported this forum. He also supported the Planning Board's recommended format as described in the packet, which expanded upon the staff recommendation.

Ms. Kate Quick, representing League of Women Voters of Alameda, noted that they were in general agreement with the recommended format for the forum. They believed that such a discussion should not be on the merits, or lack thereof, of Measure A, but how it impacted the community, as well as current and future planning decisions. They would like the following issues to be addressed:

1. Does it limit choices?
2. Does it provide the necessary protection to ensure appropriate density, building and community design and growth control?
3. Could these be achieved with additional measures, or different measures?
4. How has it limited the choices?

She believed the residents of Alameda would be able to gain a more comprehensive knowledge of this part of the City charter, and decide for themselves how they wish to proceed, whether it be kept in its current forum, or amending it from the vote of the people. They believed the forum should be professionally facilitated, and that the speakers who were expert in the field of planning and community development and design, as well as those who could address the history and local perspective. They believed that even-handedness in the design of this forum would be key to its outcome. She believed it was time to put aside the argument that Measure A, as part of the City Charter, could not be reviewed, discussed, and possibly amended.

Ms. Susan Decker believed that it was important to have a discussion of the ways that the City can guide development and preserve the City's character. She appreciated the input from the community and noted that the list of potential speakers looked good. She had attended one of the *ad hoc* committee meetings, and noted that there were difficulties in agreeing how the public input should be formatted. She noted that the proposal incorporated both major suggestions, which should encourage public input.

Mr. Michael Krueger spoke in support of the community's recognition of the need of a forum. He was glad that the community had moved beyond the debate about whether it

should be discussed or not. He believed the recommended format was very well thought-out, and urged the Planning Board to adopt it. He was pleased to see so many Alameda residents, and liked the idea of using small groups and speaking before the general audience.

Ms. Helen Sause, President of Homes, thanked everyone involved in bringing the forum forward. She supported adoption of the Measure A forum, as well as holding the forum as soon as possible. She supported putting a deadline on when the forum would be held, and believed that time was of the essence. She believed the results of the forum were essential to the development of Alameda Point by SunCal.

Ms. Diane Lichtenstein, Homes, recalled the background of the proposed forum, and thanked the parties involved in moving ahead. She supported the proposed format, as well as the employment of a thorough, professional, objective discussion of Measure A and how it has impacted the City. She believed the speakers should be limited to the professionals who were able to provide that information. She did not want the forum to become a debate on the merits of Measure A.

The public hearing was closed for Board discussion.

Ms. Woodbury noted that the consultant, David Earley, prepared a summary of the two *ad hoc* committee meetings to develop the basis for a format as discussed. She then added further detail to the summary.

A discussion of the process preceding the development of the various formats ensued.

Ms. Woodbury noted that after reading the letter submitted by the other *ad hoc* committee members, the one difference she saw was that the appellant members did not like the idea of breakout groups. She noted that was the only major difference.

Vice President Kohlstrand noted that the packet contained a written proposal outlining the recommendation by the Planning Board members of the *ad hoc* committee, and the response to Mr. Earley's report and the staff report. She noted that while a broad consensus was not reached, there were items where they reached a consensus. She believed there was common agreement that Woody Minor would be asked to make a presentation on the historic background of Measure A. They also felt it was important to provide an opportunity for citizens of Alameda to ask questions, and to make their opinions known. As directed by City Council, a written record of the proceeding should be made available, and the forum should be videotaped and televised. They agreed that it would be important to have a mix of viewpoints on the panels, and that it should not be biased towards one perspective or another. The Planning Board members of the *ad hoc* committee generally agreed with the schedule and the format recommended by Mr. Earley and staff; a general background presentation would be made, followed by panel discussions, and then small breakout groups.

Vice President Kohlstrand added that there were points regarding the staff proposal that they felt were slightly mischaracterized, or that the Planning Board members of the *ad hoc* committee had a difference perspective on. Because they were not able to reach a consensus,

she wished to share those points with the Planning Board for consideration. They believed it would be important to supplement the presentation made by Woody Minor with an objective presentation on both the legislative history and a summary of how Measure A had been implemented in the City. The Planning Board members advocated that those presentations be provided by current or former City staff, particularly the City Attorney for the legislative history and how it had been implemented by City staff. The first part of the sessions would be an hour-long session broken into three parts, providing an overview of the events leading up to Measure A, the language of Measure A, and some perspective on how that has affected the City's historic structures.

Vice President Kohlstrand noted that for the second part of the forum, the Planning Board members felt that it was very important not to frame this discussion as advocating for or against Measure A. They believed it would be more important to focus on issues that related to Measure A for the City, as well as having a mix of viewpoints on the panel. They recommended that two different sessions be held, one dealing with housing and general housing issues, and a second session dealing with general issues related to transportation. They recommended that each panel consist of six members, and made recommendations from the broad list of speaker recommendations to represent a mix of Alameda residents and different perspectives on Measure A. They also suggested a series of questions that might be posed by a moderator to this panel, and responded to with a unique perspective on the topic. They recommended that the session last for 40 minutes, followed by an open session to take questions from the public. After a break, that would be repeated with the transportation forum. The afternoon schedule was similar to that recommended by staff, that the participants break out into small groups. She noted that the difference was that a working lunch was not included in the City budget. She believed that if people were expected to spend their entire day discussing Measure A, that it would be nice to provide lunch, at the discretion of the City Council. She believed the questions should be available beforehand to the people being asked to address them in order to give them sufficient time to research them.

Member Ezzy Ashcraft believed that with respect to the speakers, there was a wealth of resources available, from professional planners to those who can speak to the history of living in this community.

In response to an inquiry by Member Cunningham whether staff would formulate the list of speakers, Ms. Woodbury replied that staff could do that if it was the Board's direction. Staff would hire the Housing Element consultant, which would put the list together. Staff would be glad to ask people if they were interested and willing, and then work on the details.

Member Cunningham noted that an update of the Housing Element was a lengthy and very involved process, and did not believe this would be the correct forum to discuss the Housing Element. He believed that the impact of Measure A on the Housing Element was a critical item to discuss, but wished to clarify that the intention of this forum was not to address the Housing Element.

In response to an inquiry by Member Mariani whether the list of speakers included the appellants' suggestions, President Cook replied that it included all the suggestions and who suggested them. She added that if there were none from the appellants, it was because they did not suggest any speakers other than themselves.

Member Mariani believed she had seen a list at one point with more names.

Ms. Woodbury noted that the full list had been provided. She described the process that followed the *ad hoc* committee meeting, and noted that all of the correspondence from people suggesting speakers had been forwarded to the *ad hoc* committee.

In response to an inquiry by Member Mariani whether agreeing to the format entailed agreeing to the panelists, Vice President Kohlstrand replied that the list was a recommendation by the Planning Board members of the *ad hoc* committee.

A discussion of the selection of speakers by the appellants and other parties ensued.

Member Cunningham noted that he was not as concerned about who the speakers were as long as they represented the interest groups and their points of view that give the Planning Board a broad perspective and the information they need to find. He believed that would be the most productive direction to staff. He inquired why six people had been chosen.

Member Ezzy Ashcraft noted that it was more important to her to have quality speakers than a larger number of speakers, particularly so across-the-representation could be achieved.

Member Cunningham noted that the timeline was finite, and he believed those involved should be respectful of that. He believed that having a set agenda would be important to structure the forum.

President Cook noted that they considered the idea of having one session relation to housing, and one related to transportation. She added that that idea was not very popular with many people.

Member Cunningham believed it would be helpful to pose questions with answers, in response to the City Council's request of having something definable as an outcome of the meeting.

Member Ezzy Ashcraft did not disagree with Member Cunningham's comments, but would like to retain the small breakout sessions in the forum. She noted that they should be voluntary, and added that a different kind of communication resulted from small group discussions. She added that it would be provide a different mix of communication opportunities.

Member Cunningham suggested that the Housing Element consultant facilitate the meeting.

Ms. Woodbury noted that while staff has interviewed consultants, they had not selected a consultant yet.

Member McNamara thanked the Planning Board members and the appellants for spending so much time on getting the forum discussion to this point. She inquired whether there was a budget to pay for the panelists and mediators, and added that the budget could become significant. She supported the format that Ms. Woodbury refined from David Earley's forum because she liked non-working breaks; the suggested format had two significant breaks during the day. She noted that the Housing Element and the transportation component were combined into one 90-minute session, instead of two one-hour sessions, which she believed would be easier to absorb and follow. She liked the idea of seeking professional input outside of Alameda.

President Cook noted that they felt very uncomfortable being labeled as one side, and the appellants as the other side. She believed the City Council and Planning Board wished to set up a very objective workshop where people represented a variety of different interests. Consequently, they resisted an adversarial approach throughout the six hours of meetings that were held.

Member McNamara agreed with President Cook's comments, and was more interested in hearing their perspective, which may supplement or complement the Planning Board's perspective.

Member Ezzy Ashcraft noted that the difference between a 90-minute session and two one-hour sessions to discuss the Housing Element and transportation was 30 minutes. She believed strongly that it had taken considerable effort to be able to hold this kind of forum. She believed there were many serious-minded members of the community who have thought long and hard about this issue, and who wanted in-depth information. She believed another 30 minutes of substance would be valuable. She noted that both versions would end at 4 p.m. and believed that a working lunch would be valuable. She hoped that the session would also be televised.

Member McNamara noted that the morning session was designed to be very structured, with speakers and an educational and informational approach. She supported that format, and believed that after the lunch break, she supported the small group breakout sessions as well, which would give the citizens of Alameda an opportunity to have input and to summarize additional issues. She noted that the small group members could select a facilitator amongst themselves, who would report the results of their meeting back to the group. She noted that Barbara Kerr had expressed concern that the small groups' input would not be reported back to City Council, but that would be reported and recorded in the public record and brought back to City Council. She did not believe that would be a concern. She suggested that for either format option, allowing an hour at the end of the day for more questions by the public would be valuable. If there were more than 20 speakers, she suggested randomly selecting speaker slips to fit into the time allotted.

Member Mariani agreed with much of Member McNamara's statements, and believed it may be difficult to be open to other suggestions because of the previous focus while developing the format. She believed this will be brought to the City Council. She agreed with the suggestion to allow the appellants the opportunity to provide speakers if they so choose. She believed it was very important for the process to be fair, neutral and unbiased. She did not particularly favor the small-group exercises due to her previous experience with the Catellus project; she did not believe it was especially productive.

Member Cunningham believed it would be important to structure the small groups rigorously in order to produce fruitful results. He believed the best caliber of people should be tapped to represent the various points of view.

Vice President Kohlstrand believed it was important to have a mix of perspectives in the forum, including residents and experts. She believed that it would be important to generally agree on the topics and questions, perhaps supplemented by input from staff, in order to provide structure and allow people an opportunity to respond.

Member Ezzy Ashcraft suggested requesting Member Mariani to submit questions, and requested further clarification on her statement that it must have been difficult for the committee members to be open to other things. She noted that they endeavored to look at this issue from both sides, and she would like to have had more input during the two *ad hoc* committee meetings. She noted that it was not too late to provide more input.

Member Mariani noted that she would be pleased to provide further information off the record, and did not plan on submitting more questions because she did not feel she had the expertise with respect to Measure A as the committee members did.

President Cook noted that there was a break in the morning, and noted that working lunches were helpful, because when people left the meeting site, they sometimes do not return. She invited suggestions for ways to retain people and to keep their attention; both formats conclude at 4:00 p.m.

Member McNamara noted that those people who were interested in the interactive part of the day will come back; in some instances, people watching the proceedings on television may come for the afternoon session. Other people who may not be able to attend the morning session may be able to attend in the afternoon. She noted that the marketing and noticing effort to the community will determine the interest and attendance; she did not believe the break and lunch format may be that significant in attendance. She personally felt that since this was such an intense process, that she would need a mental break in the middle of the day in order to be able to process the information in the afternoon.

President Cook and Member Ezzy Ashcraft concurred with that suggestion. Member Ezzy Ashcraft noted that people going out for lunch would also support local businesses. She also suggested that the transit session be shorter than the housing session. She did not want to cut the public comment period short.

President Cook invited comment on how to handle the question of the public speakers, and whether the appellants had provided their full list.

Member Cunningham believed it would be imperative to focus on the topics they wished to discuss, and then find the right people to address those topics.

Ms. Woodbury noted that if she were the consultant hired by the City, she would want some flexibility. She suggested that staff work with the consultant with respect to appropriate speakers that have not been included on the list.

President Cook requested that the Planning Board be kept abreast of the progress through Staff Communications, and believed it would be important for the full Board to hear the information going forward. Ms. Woodbury replied that would be possible, and that milestone dates could be included in the scope of work for the consultant. She noted that emails could be sent, in addition to reporting to the Board during Staff Communications.

Member Cunningham noted that it would be very important for the public to hear the progress, and inquired about potential timelines. Ms. Woodbury replied that consultants have been interviewed, and staff intended to determine whether the preferred consultant would be willing and able to take the responsibility for this forum. The contract would then be taken to City Council because it exceeded the limit for funding on a staff level. She anticipated that late January would be a reasonable timeframe for the forum, depending upon availability.

Vice President Kohlstrand noted that they envisioned having a moderator that would field and read a question, giving the panelists an opportunity to respond from their own perspective, rather than give a formal presentation. They believed it would be easier for residents of Alameda to provide their own personal experience, and someone outside Alameda may need time to consider questions about Alameda in particular.

Member Mariani liked the idea of asking each group appointed by the City Council for suggestions, and utilizing the equal suggestions. Vice President Kohlstrand noted that she was very comfortable with the idea.

President Cook requested that staff send a letter to the appellants for additional names that the consultant should examine. She noted that the moderator must be able to call on the various panelists in an equal manner.

Member Cunningham suggested that a 45-minute lunch would be appropriate, and would like to see a priority list of topics. He believed that two hours for a small group breakout plus reporting back would be a long time, and suggested that time for lunch be borrowed from that time. He noted that if there were eight groups with three minutes to report back, that would leave enough time for Catellus to make their report.

Vice President Kohlstrand suggested using the timeframe recommended in the staff report for the small group discussion; Ms. Woodbury recommended 45 minutes for the small

group exercise, 30 minutes for the reports, and an open forum of 90 minutes. President Cook agreed with that allocation, from 12:15 to 4:00 p.m. She noted that the committee's schedule included a morning break.

Member Ezzy Ashcraft believed that the location would be important, and suggested that it be held in Council Chambers so that it may be televised. Vice President Kohlstrand believed it would be difficult to use Chambers for small group breakouts. Member Ezzy Ashcraft suggested using the library conference room for the small groups. She believed that it would be difficult to manage a 45-minute lunch break at Alameda Point.

Ms. Woodbury noted that staff would examine venues that would lend themselves to this kind of forum, and would work with the consultant on that issue; she noted that it would be important to have food close by.

President Cook inquired whether the Board favored the subcommittee's report before lunch, and Ms. Woodbury's recommended format for lunch and after lunch.

In response to an inquiry by Member Cunningham whether the report would come back to the Planning Board regarding the format of the forum, Ms. Woodbury replied that a progress report of the forum's status would be made to the Planning Board.

President Cook believed it would be very important to work towards a date certain for the forum. She concurred that everything would not be completed by the holidays, but would like the consultants to work towards a date in January 2008. she noted that many members of the public had expressed a desire to hold the forum before the SunCap proposal moves ahead much more.

Member Mariani agreed that this forum should be taken care of and completed as quickly as possible. She believed that late January or early February would be a great time to hold the forum.

Member Cunningham moved to dissolve the Expanded Housing Element/Measure A *ad hoc* committee.

Member McNamara seconded the motion, with the following voice vote – 6. Absent: 1 (Lynch). The motion passed.

Member Cunningham moved to accept the format as proposed by the Planning Board *ad hoc* committee for the session from 9:00 a.m. to 12:30 p.m., followed by a 45-minute lunch break. The forum would reconvene at 1:15 p.m., and the proposed program as suggested by the staff report per Attachment 4, including small group exercises, reconvening to listen to reports and an open forum. Further explanation of the small group exercise topics will be described, and clarity regarding the selection of the panelists would be needed. Panel members would again be solicited from the appellants, and the consultant would consider those along with the individuals selected by the Planning Board *ad hoc* committee. The resultant names would be circulated through the staff report at future Planning Board

meetings; a hierarchy of first, second and third choices would be identified. A date certain for the end of January 2008 would be set, pending availability of location.

Member McNamara seconded the motion, with the following voice vote – 6. Absent: 1 (Lynch). The motion passed.

10. WRITTEN COMMUNICATIONS:

Ms. Woodbury noted that the League of Women Voters submitted a written statement.

11. BOARD COMMUNICATIONS:

- a. Oral Status Report regarding the Oakland/Chinatown Advisory Committee (Board Member Mariani).

There was no report.

- b. Oral Status Report regarding the Transportation subcommittee (Vice President Kohlstrand).

There was no report.

- c. Oral Status Report regarding the Alameda Climate Protection Task Force (Board Member Cunningham).

There was no report.

12. ADJOURNMENT: 9:00 p.m.

Respectfully submitted,

Cathy Woodbury, Secretary
City Planning Board

These minutes were approved at the November 13, 2007, Planning Board meeting. This meeting was audio and video taped.